



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SL

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,787	12/15/2000	Roger Keith Wiles	40101/00401	4530

30636 7590 06/14/2005
FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

EXAMINER

NGUYEN, VAN H

ART UNIT	PAPER NUMBER
----------	--------------

2194

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,787

Applicant(s)

WILES ET AL.

Examiner

VAN H. NGUYEN

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,12,14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,12,14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 4-10, 12, 14, and 16-18 are presented for examination.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 4-10, 12, 14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burnett et al.** (U.S. 6,006,018).

4. As to **claim 14**, Burnett teaches the invention substantially as claimed including a system for managing communications among a plurality of components of a computing system (see fig.1 and the associated text) comprising:

a consumer component (e.g., consumers of objects; col.7, lines 56-60);

a plurality of producer components (e.g., object producers; col.8, lines 6-7), each of the producer components including a data object (e.g., the object; col.8, lines 6-7) and a component module (e.g., details of the object producer; col.8, lines 41-42), the component module including information identifying (e.g., a NFS request is uniquely identified; col.7, lines 26-28) the data object and an object handler (e.g., the handle; col.7, lines 16-19) to interact with the data object; and

Art Unit: 2194

an intermediary module (e.g., the immediate authenticator; col.8, lines 14-15 and fig. 3) receiving from the consumer component requests for data objects (e.g., responds to NSF server requests; col.8, lines 17-19 and fig. 4), wherein, upon receipt of a consumer component request, the intermediary module identifies the component module which includes the data to identify the requested data object (see fig.3 and the associated text on col.6, lines 39-57).

Burnett does not specifically teach “consults a register.”

It would have been obvious to one of ordinary skill in the art to have applied the teachings of Burnett to include “consults a register” because Burnett’s teachings would have provided an efficient mechanism for controlling communication of components in a distributed computing environment.

The fact that Burnett’s teachings “the dfsrai presents the credential to the intermediate authenticator which registered to the dfsrai” (col.8, lines 28-30) and the purpose of presenting the credential to the intermediate authenticator in Burnett suggests “consults a register.”

5. **As to claim 16**, Burnett teaches the system operates a switch (e.g., the virtual filesystem switch; col.8, lines 19-20).

6. **As to claim 17**, Burnett teaches the intermediary module receives a plurality of requests from the consumer component including, among other things, at least one of a request to retrieve a value in the a data object from the producer component (col.8, lines 15-18).

7. **As to claim 18**, Burnett teaches a hybrid component which, under predetermined conditions, acts as a consumer component and which otherwise acts as a producer component (col.7, lines 52-67).

Art Unit: 2194

8. **As to claim 10**, the rejection of claim 14 above is incorporated herein in full.

Additionally, Burnett further teaches a register (e.g., register; col.6, line 51 and col.8, lines 28-30) and a dispatch component to route a request for the data object received from a second one of the components, the dispatch component correlating the requested data object to the component module including the requested data object, the correlation including the generation of a record including at least a portion of the identifying information included in the component module (col.6, lines 58-65).

9. **As to claim 12**, Burnett teaches a configuration component containing configuration parameters for the manageable entities; and a utility for generating the manageable entities using the configuration component (col.8, lines 1-13).

10. **As to claim 1**, the rejection of claim 14 above is incorporated herein in full.

Additionally, Burnett further teaches creating a producer component including a data object (col.8, lines 6-9) and forwarding the request to the component module which interacts with the data object through the object handler (col.7, lines 16-19).

11. **As to claim 4**, it includes the same subject matter as in claim 18 above, and is similarly rejected under the same rationale.

12. **As to claim 5**, Burnett teaches all of the components reside on a single processor (col.6, lines 39-45).

13. **As to claim 6**, it includes the same subject matter as in claim 17 above, and is similarly rejected under the same rationale.

14. **As to claim 7**, Burnett teaches the intermediary module performs the correlating step using, among other things, one of a hash table (e.g., a hashed list; col.11, lines 28-30).

Art Unit: 2194

15. As to **claim 8**, it includes the same subject matter as in claim 16 above, and is similarly rejected under the same rationale.

16. As to **claim 9**, Burnett teaches deleting from the register reference to a deleted component which has been decoupled from the intermediary module (col.6, lines 53-57).

Response to Arguments

17. Applicant's arguments filed January 19, 2005 have been fully considered but they are not persuasive.

18. In the remarks, Applicant argued in substance that (a) Burnett fails to disclose a component architecture wherein component modules are used as intermediaries between components (page 8); (b) Burnett does not teach a component module which interacts with the object and provides the object to the consumer component (page 8).

19. Examiner respectfully traverses Applicant's remarks.

- (i) As to point (a), Applicant claims "an intermediary module" not "intermediaries." Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). The Examiner has a *duty* and *responsibility* to the public and to Applicant to interpret the claims *as broadly as reasonably*

Art Unit: 2194

possible during prosecution (see In re Prater, 56 CCPA 1381, 415 F.2d 1393, 162 USPQ 541 (1969)).

Burnett does teach an intermediary module (the intermediate authenticator; col.8, lines 14-15 and fig.3).

(ii) As to point (b), Burnett's teachings:

"an interface for the intermediate authenticator to register its remote attribute manager. Remote attribute managers provide operations for extracting @sys and @host information. The Cache Manager uses dfsrai to query these values for requests which did not originate on the DFS client machine. When the Cache Manager (i.e. the DFS client) sees that the request originated from a remote source (i.e. an NFS server), it attempts to obtain a dfsrai handle for the given request. If a handle is returned, then the handle's operations can be called to obtain the @host and @sys values for the request represented by the handle. The dfsrai component is preferably implemented as part of the kernel extension on AIX which holds the DFS Cache Manager function." (col.7, lines 9-22).

Meet the limitations as broadly claimed by Applicant.

The scope of the claimed "object" clearly transcends the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1 (CCPA 1982), *In re Priest*, 199 USPQ 11 (1978). The recited "object" is clearly subject to a broad interpretation as detailed in the rejections maintained above. The Examiner has a duty and responsibility to the public and to Applicant to interpret the claims as broadly as reasonably possible during prosecution. *In re Prater*, 415 F.2d 1 393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Conclusion


20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Bullough (US 6282586) teaches "the inventive architecture employs an intermediate device driver, herein known as a port driver router, which is designated and registered as the port driver for the communication application."
 - Gefwert (US 20020023222) teaches "when the user sends to the intermediary directory a request that said document should be opened, the intermediary registers the request. Now also the document itself is transmitted to the user by the intermediary, so that the intermediary can also register the fact that the user has received said document."
21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
22. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
23. Any inquiry or a general nature or relating to the status of this application should be

Art Unit: 2194

- directed to the TC 2100 Group receptionist: (571) 272-2100.
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.
 25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Meng-Ai An can be reached on (571) 272-3756.
 26. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
 27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

vhn


MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100